

REMARKS

Applicant has cancelled claims 2, 9 and 21 and amended claims 10 and 11.

The Examiner has rejected claims 2 and 21 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The phrase "high quality graphics" is indefinite. The term is not defined in the specification, nor does the term have an accepted meaning. Applicant must amend the claim, show where the term is defined in the original disclosure, or provide the Office with a reference that defines the term and predates the prior date of the application.

Applicant has cancelled claims 2 and 21.

The Examiner has rejected claim 8 as being indefinite. The term "publication grade paper" is indefinite. The term is not defined in the specification, nor does the term have an art accepted meaning. Applicant must amend the claim, show where the term is defined in the original disclosure, or provide the Office with a reference that defines the term and predates the prior date of the current application.

Publication grade paper is defined on page five of the specification as label paper or other printing and writing grades of paper. Page 11 further defines publication grade paper as MG or MF or other printing, writing or label grades, or may have printed graphics. Further, Applicant has previously enclosed references that define the term and predate the prior date of the application.

The Examiner has rejected claim 9 as being indefinite. The term "label stock grade" is indefinite. The term is not defined in the specification, nor does the term have an art accepted meaning. Applicant must amend the claim, show where the term is defined in the original disclosure, or provide the Office with a reference that defines the term and predates the prior date of the current application.

Applicant has cancelled claim 9.

The Examiner has rejected claim 11 as being indefinite because the claim contains an improper Markush group.

Applicant has amended claim 11 accordingly.

The Examiner has rejected claim 1-4 and 7-10, 12-13 as being obvious over Cavagna, 4,898,752, in view of Peer, 4,254,173. The Examiner states that Cavagna teaches outer packaging materials are made of paperboard comprising unbleached kraft paperboard that has been surface treated on at least one side with a white coating or the like. The white coating may be applied as a thin layer of high quality label paper. Col. 1 lines 10-29.

Cavagna does not teach that the paperboard should further comprise a top ply overlaying said white layer. However, Peer teaches a plastic film that can be applied over outer packaging paper materials. The plastic film provides tear resistance to the composite and may be reverse printed on their inner surface. (abstract) The plastic film is selected from the group consisting of polyethylene, polypropylene, and PET. (abstract). Therefore, the Examiner takes the position that it would have been obvious to apply the adhesive/plastic layer taught in Peer

to the outer packaging taught in Cavagna in order to improve the tear resistance of the packaging.

Cavagna relates to a method for making coated and printed packaging material on a printing press. It is custom in the industry to finish at least one surface with a white coating, to permit printing of the naturally brown, rough surface of the unbleached board. One method has been to coat one surface of the board with a coating composition comprising latex, clay and titanium dioxide. In other cases, an outer thin layer of high-quality label paper or a plastic film have been laminated to one surface of the unbleached paper-board to provide a printable surface. Containers of corrugated packages and single ply folding cartons employ white surfaced (clay coated) unbleached kraft board.

Peer relates to a composite material for secondary container packaging material for use in six pack can wraps, six pack bottle carriers, twelve pack carriers, comprising a composite of a paper material laminated to a plastic film. The plastic film provides tear resistance to the composite. Natural kraft paper and recycled paper are preferred. Preferred films permit reverse printing on their inner surface. Adhesives bond film to the paper. Film may be metallized to produce a foil effect.

Peer relates to an inner paper, outer decorative plastic film and adhesive layer between. A smooth white surface is coated to the carrier board with a white clay titanium dioxide-layer mixture. The white surface is added to permit decoration of the naturally brown, rough surface of the carrier board. In some cases, a white outer surface is provided through the lamination of an outer thin

layer of high quality label paper to a thicker backing material. Peer teaches laminating a paper material, such as kraft paper or recycled board to a transparent film.

Claim 1 requires a two-ply base label comprised of a bottom ply and a top ply. The bottom ply is comprised of unbleached cellulosic fibers and the top ply is comprised of bleached or brightened cellulosic fibers. A layer of paper or film is attached to the top ply with a layer of adhesive. The adhesive contains no pigment and the top surface of the further layer has no coating.

Cavagna teaches an unbleached paper having a white paper or plastic attached to it. Peer teaches an unbleached paper having a film attached by an adhesive. Claim 1 requires a layer of paper or film attached to the top ply or bleached paper with a layer of adhesive. Therefore, the combination of Peer and Cavagna does not teach a two ply base layer having the layer of paper or film attached to the top ply. The combination of Peer and Cavagna if teaching any combination would teach to add the film to the unbleached paper which is not what is claimed in the claims of the present invention. Further, there is nothing taught in Cavagna which would suggest the need for a further layer to help with tear resistance. Therefore Claim 1 is not obvious over Cavagna in view of Peer.

The Examiner states that with regard to claim 3, Cavagna does not explicitly teach what materials may be utilized in the production of the paperboard layer. However, Peer teaches that outer packaging is usually made from kraft pulp or recycled paper pulp. Thus, it would have been obvious to make the paperboard taught in Cavagna from either virgin kraft pulp or recycled

pulp because Peer teaches said materials are traditionally used in the production of outer packaging.

Claim 3 requires that the unbleached cellulosic fibers are selected from unbleached virgin Kraft pulp and unbleached recycled pulp. Claim 3 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

With respect to claim 2, the Examiner takes the position that the graphics produced using the adhesive/polymer overlay taught in Peer are "high quality" since they are sufficient for consumer appeal.

Applicant has cancelled claim 2.

The Examiner takes the position that any adhesion would meet the "barrier for moisture, oil and odor" limitation of claim 7 because any substance will restrict moisture, oil and odor transmission to some extent.

Claim 7 requires that the adhesive is a barrier for moisture, oil and odor. Claim 7 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

The Examiner takes the position that the laminate taught in Cavagna meets the limitations of claim 4. Specifically, Cavagna teaches a paperboard

coated with a "thin" paper layer. Paperboard is generally understood to refer to cellulose fiber materials that are thicker than paper.

Claim 4 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

With respect to claim 8, the Examiner takes the position that the label grade paper taught in Cavagna is a publication grade paper. The Examiner relies upon Applicant's disclosure on page 11 of the specification (last paragraph) where label grades are listed as a type of publication grade paper.

Claim 8 requires that the paper sheet is a publication grade. Claim 8 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

Claim 10 requires that the paper sheet has a coating. Claim 10 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive. Further Cavagna in view of Peer does not teach that the paper sheet has a coating.

Claim 12 requires that the film is a tear resistant film. Claim 12 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply

base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

Claim 13 requires that the film is reverse printed. Claim 13 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive.

The Examiner has rejected claim 5 as being obvious over Cavagna, in view of Peer, as applied to claims 1-4 and 7-10, 12 and 13. Cavagna in view of Peer is relied upon as above, but neither reference teaches that the label paper should have a brightness of above 60ISO. However, it is known in the art to increase the brightness of a printing/imaging paper in order to enhance the image clarity. Thus, it would have been obvious to increase the brightness of the label paper taught in Cavagna in order to enhance the image clarity of the resulting secondary package material.

Claim 5 requires that the top ply have a brightness of above 60ISO.

Claim 5 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers and a layer of paper or film attached to the top ply with a layer of adhesive.

The Examiner has rejected claim 11 as being obvious over Cavagna in view of Peer as applied above and further in view of Holder Jr., 3,982,056.

Cavagna in view of Peer does not teach that the label paper may be coated with clay, protein, starch or titanium dioxide. The Examiner states that Holder teaches that label papers have conventionally had a liquid coating composition applied to one surface in order to improve the printable characteristics of the paper. Such coating compositions include starch, clay, casein, and TiO₂. Thus, it would have been obvious to apply any of clay, casein, TiO₂, or starch to the surface of the label paper taught in Cavagna in order to improve its printability.

The Examiner has rejected claim 14 as being obvious over Cavagna in view of Peer, as applied to claims 1-4, 7-10, 12 and 13. Cavagna in view of Peer is relied upon as above. Specifically, Peer teaches that the plastic layer provides the laminate with an "attractive appearance" but does not teach that the tear resistant film may be pigmented. However, matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. Thus, the Examiner takes the position that it would have been obvious to apply pigment to the tear resistant film taught in Peer in order to obtain the desired aesthetic effect.

Claim 14 requires that the film contains a pigment. Claim 14 is not obvious over Cavagna in view of Peer because they do not disclose a two-ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers, a layer of paper or film attached to the top ply with a layer of adhesive.

The Examiner has rejected claims 15 and 17-19 as being obvious over Cavagna in view of Peer as applied to claims 1-4, 7-10, 12 and 13 and further in

view of Confer, 3,603,501. Cavagna in view of Peer is relied upon as above. Cavagna teaches that the paperboard core may be finished on both surfaces with a label paper. The examiner takes the position that an inner label paper would read on the claimed moisture absorbent layer. Cavagna does not teach that such label papers are adhered to the paperboard core. However, Confer teaches that secondary packaging materials are generally made by adhering the label paper to the paperboard core. Thus, it would have been obvious to apply adhesive between the label paper and the paperboard core taught in Cavagna because Confer teaches that such a laminating technique is the traditional method by which secondary packaging is processed. The Examiner takes the position that any adhesive is a barrier to moisture to some extent.

Confer relates to a carton having tear strips for cans. The invention relates to an open end carton of six pack type having longitudinal slits on corner edges, one for each can. Carton blanks are made by laminating continuous label web and backing web wide enough for several blanks with longitudinal reinforcing strands between webs, and spaced laterally at margins and lines of division of master strip.

The carton is made from paperboard folded along appropriate lateral lines. The blank is a lamination of an outer thin layer of high quality label paper to receive desired printed matter and an inner considerably thicker layer of backing paper to provide strength and reasonable rigidity.

Claim 15 requires an additional layer of paper or board attached to the bottom ply with a second adhesive layer. Claim 15 is not obvious over Cavagna

in view of Peer and further in view of Confer. None of these patents alone or in combination discloses a two ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive and an additional layer of paper or board attached to the bottom ply with a second adhesive. Further, there is nothing taught in Cavagna to add two additional layers. Therefore, claim 15 is not obvious over the prior art references.

Claim 17 requires that the additional layer of claim 15 is a moisture absorbent layer. Claim 17 is not obvious over Cavagna in view of Peer and further in view of Confer. None of these patents alone or in combination discloses a two ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive and an additional layer of paper or board attached to the bottom ply with a second adhesive. Therefore, claim 17 is not obvious over the prior art references.

Claim 18 requires that the second adhesive layer is not significantly absorbed by the moisture absorbent layer and acts as a moisture barrier. Claim 18 is not obvious over Cavagna in view of Peer and further in view of Confer. None of these patents alone or in combination discloses a two ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive and an additional layer of paper or board

attached to the bottom ply with a second adhesive. Therefore, claim 18 is not obvious over the prior art references.

Claim 19 requires that the second adhesive layer is selected from hot melt glues or glues that are moisture and/or oil resistant. Claim 19 is not obvious over Cavagna in view of Peer and further in view of Confer. None of these patents alone or in combination discloses a two ply base, the bottom ply comprising unbleached cellulosic fibers and the top ply comprising bleached or brightened cellulosic fibers; a layer of paper or film attached to the top ply with a layer of adhesive and an additional layer of paper or board attached to the bottom ply with a second adhesive. Cavagna teaches a paperboard coated with a thin paper layer. Therefore claim 19, is not obvious over the prior art references.

The Examiner has rejected claims 15-23 as being obvious over Cavagna in view of Peer, as applied to claims 1-4 and 7-10, 12 and 13 above, and further in view of Knudson, 4,913,773. Cavagna in view of Peer is relied upon as above, but neither reference teaches that the paperboard core may comprise more than one layer of paperboard. However, Knudson teaches a multi-ply paperboard comprising one ply of high bulk fibers sandwiched between at least two plies of conventional papermaking fibers. A bonding agent may be utilized between the layers. Said paperboard has superior stiffness in comparison to traditional paperboard. Stiffness is important in folding carton applications. Thus it would have been obvious to utilize the multi-ply paperboard taught in Knudson in the laminate taught in Cavagna to increase the stiffness of the laminate.

With respect to claims 15-19, the examiner takes the position that the second and third layers of the multiply paperboard read on the claimed unbleached pulp and absorbent layer, respectively. The bonding layer reads on the claimed moisture barrier layer.

Knudson relates to a method of producing a multi-ply paperboard comprising at least one ply high bulk fibers sandwiched between at least two plies of conventional papermaking fibers. High bulk fibers characterized by twists, kinks, and curls are produced by mechanical deformation without substantial fibrillation or breakage of the fibers.

The invention relates to a method for the manufacture of a multi-ply paperboard mat, and to a multi-ply paperboard not having premium fiber outer plies and an interior ply of high bulk fibers.

Claim 20 relates to a laminated sheet comprising a pair of two ply base layers each comprised of a bottom ply and a top ply. The bottom ply is comprised of unbleached cellulosic fibers and the top ply is comprised of bleached or brightened cellulosic fibers. The adhesive layer is disposed between the base layers, adhering the bottom plies of each base layer together so that the top plies remain visible.

Claim 20 is not obvious over Cavagna in view of Peer and further in view of Knudson. None of the prior art references alone or in combination disclose a pair of two-ply base layers each comprised of a bottom ply and a top ply wherein the bottom ply is comprised of unbleached cellulosic fibers and the top ply is comprised of bleached or brightened cellulosic fibers. The adhesive layer is

disposed between the base layers adhering the bottom plies in each base layer together. Knudson relates to a method of producing multiply paperboard wherein at least one ply of high bulk fibers is sandwiched between at least two plies of conventional papermaking fibers. The combination of Cavagna, Peer and Knudson does not make claim 20 obvious.

Claim 21 requires that the sheet is used to make products having high quality graphics. Applicant has cancelled claim 21.

Claim 22 relates to the composite sheets of claim 1 further comprising a second two-ply base layer having a bottom ply and a top ply. The bottom ply is comprised of unbleached cellulosic fibers and the top ply is comprised of bleached or brightened cellulosic fibers. The bottom ply of the second two-ply base layer is attached to the bottom ply of the first two-ply base layer with a second layer of adhesive. For the reasons stated above for claim 20, claim 22 is not obvious over Cavagna in view of Peer and Knudson.

Claim 23 relates to the composite sheet of claim 22 and further comprises a layer attached to the top ply of the second two-ply base layer with a layer of adhesive. The layer has a top and bottom surface. The layer consists of paper or film. The layer of adhesive contains no pigment and the top surface of the layer has no coating. For the reasons stated above for claim 20, claim 23 is not obvious over Cavagna in view of Peer and Knudson.



Applicant believes that the application is now in condition for allowance.

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